

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 410 Department or Agency State Health Planning and Development Agency (Certificate of Need Review Board)

Rule No. & Title: 410-1-10-.04 Relocation of Health Care Facilities

X New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rules? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

* see attachment

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Alva M. Lambert

Date 10/13/06

DATE FILED
(STAMP)

REC'D & FILED

OCT 13 2006

LEGISLATIVE REF SERVICE



STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

100 NORTH UNION STREET, SUITE 870
MONTGOMERY, ALABAMA 36104

NOTICE OF INTENDED ACTION

AGENCY NAME: STATE HEALTH PLANNING AND DEVELOPMENT AGENCY
(Certificate of Need Review Board)

RULE NO. & TITLE: 410-1-10-.04 Relocation of Health Care Facilities

INTENDED ACTION:

The Certificate of Need Review Board proposes to add the above styled section to Chapter 410-1-10, Special Reviews, of the *Alabama Certificate of Need Program Rules and Regulations*.

SUBSTANCE OF PROPOSED ACTION:

To clarify that the relocation of health care facilities after issuance of a Certificate of Need will require a new Certificate of Need, with the exception of certain de minimus relocations and administrative facilities associated with home health facilities and in-home hospice care.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

In response to this Proposed Rule, all interested persons are invited to submit data, views, comments and/or arguments, orally or in writing. Any and all such data, comments, arguments and/or requests to orally address the Certificate of Need Review Board shall be made in writing on or before December 6, 2006 and shall be made to:

James E. Sanders, Deputy Director
The State Health Planning and Development Agency
P. O. Box 303025
Montgomery, Alabama 36130-3025

On December 20, 2006 at 10:00 a.m., the Certificate of Need Review Board will hold a public hearing, in the auditorium of the Alabama State Capitol Building on Dexter Avenue in Montgomery, Alabama, at which time it shall consider the Proposed Rule together with all written and oral submissions pertaining to the Proposed Rule. Only those interested persons who have made timely written requests to make oral presentations will be afforded the opportunity to address the Certificate of Need Review Board at the public hearing.

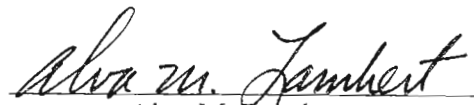
A copy of the proposed rule is available for review at 100 North Union Street, RSA Union Building, Suite 870, Montgomery, Alabama. The Agency may be contacted by telephone at (334) 242-4103 or persons may visit the office Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding State holidays.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

December 6, 2006

CONTACT PERSON AT AGENCY:

James E. Sanders
100 North Union Street
RSA Union, STE 870
Montgomery, AL 36104
(334) 242-4103

A handwritten signature in cursive script, reading "Alva M. Lambert", written over a horizontal line.

Alva M. Lambert
Executive Director

410-1-10-.04 Relocation of Health Care Facilities

The relocation of a certificated health care facility to a location other than that specified in its CON, or, in the absence of a designation on the CON, the location specified in its CON application, shall constitute the “construction, development, acquisition through lease or purchase, or other establishment of a new health care facility ...” under ALA. CODE § 22-21-263(a) (1) (1975 as amended) and thus require a new CON, subject to the following:

1. With the exception of substance abuse facilities, relocations within a two mile radius shall be considered *de minimus* and not subject to approval except as may be otherwise required under ALA. CODE §§ 22-21-263(a) (2)-(4) (1975 as amended). Given unique considerations associated with the location of substance abuse facilities, the relocation of such facilities shall require a new CON in all instances.
2. The relocation of administrative facilities associated with home health agencies and in home hospice care shall not require a new CON, except as may be otherwise required under ALA. CODE §§ 22-21-263(a) (2)-(4) (1975 as amended).

This rule shall apply to all relocations occurring on or after its effective date.

Author: Certificate of Need Review Board

Statutory Authority: § 22-21-263, Code of Alabama, 1975.

History: New Rule: Filed October 13, 2006

RULES AND REGULATIONS OF THE
STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

Chapter 410-1-10
Special Reviews

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